



MEMORANDUM

TO: The Honorable City Council

REVIEWED: Ronald H. Williams, Jr. Deputy City Manager *RHW*

Leonard M. Newcomb III, CFM, Assistant Director, City Planning
CC TO: Matthew Simons, AICP, CFM, City Planning

FROM: George M. Homewood, FAICP, CFM, Director, City Planning

Pedestrian Commercial Overlay (PCO) Development Certificate sign waiver to
SUBJECT: reconstruct a monument sign at 222 W. 21st Street

DATE: July 8, 2016

At the June 23, 2016 Planning Commission public hearing an application was presented for a PCO Development Certificate waiver to erect a new sign structure within the Pedestrian Commercial Overlay District (PCO-21st Street) larger than what is currently permitted within the standards of the PCO-21st district at the 21st Street Pavilion Shops located at 222 W. 21st Street.

History

The PCO-21st Street Overlay District was originally adopted in 1995 in concert with many meetings with the Ghent Business Association. At the time, additional restrictions were adopted concerning the maximum size of freestanding signs in an attempt to promote a more pedestrian-focused district rather than an automobile-oriented district. The signage requirements, while recognizing that 21st Street carries automobile traffic, are also intended to provide for a pedestrian-scale environment.

The Pavilion Shops were constructed prior to the adoption of the PCO-21st Street district and the freestanding sign serving the shops has been considered a nonconforming structure ("grandfathered") since that time.

Request

The applicant, 21st Street Pavilion Shops, is proposing to partially reconstruct the nonconforming sign; providing a new sign cabinet overtop the existing brick pediment at the same height and size as the existing size that is currently on the site. The size of the existing sign, and proposed

sign, is 13.5 feet tall and with 58 square feet of sign surface area per sign face. The PCO-21st Street district only permits freestanding signs with a height no taller than 6 feet and with no more than 32 square feet of sign surface area per face.

As a general principle of planning and zoning, nonconforming uses and structures are expected to diminish or be abated over time as attrition, reconstruction and maintenance occurs. In the case of nonconforming signs, the expectation is that normal wear and tear will lead to replacement or substantial renovation as is the case here. When that occurs, the nonconforming elements should be brought into conformance – entirely whenever possible, but at least to some extent when full conformity cannot be reasonably achieved.

Furthermore, the need for a larger and taller monument sign is normally a function of the speed of travel of the automobile traffic along the corridor. Generally, the higher the travel speed, the less time is available for the viewer to recognize the message upon the sign. However, the traffic along this portion of W. 21st Street tends to travel between 15-25 mph. Therefore, the need for a larger and taller monument sign is not particularly justified and the tenants would likely be better served with a freestanding sign that has a more pedestrian-oriented size and height.

In this case, no effort has been made to reduce the degree of nonconformity.

On May 24, 2016 a letter of support for the sign as proposed was received from the Ghent Business Association.

Recommendation

Staff recommends **denial** of the PCO Development Certificate waiver, since the proposal is not in conformity with the PCO-21st Street requirements and no effort has been made to bring the sign more into conformance with regards to either square footage or height.

By a vote of 5 to 1, the Planning Commission voted to **deny** the sign waiver.

The majority of the Planning Commissioners pointed out that the PCO rules are set by the City upon request of local business and civic associations. If the desire of the local business community is to permit larger signs, the rules should be changed to apply to all instead of a select few. Absent changes to the rules for all, a sign in conformance or more nearly in conformance should be the expectation and this proposal makes no effort to do that.

The one Commissioner that voted in support of the request voiced her support based on the support of the Ghent Business Association and because the proposed sign would not be larger than the existing sign.

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